

EXHIBIT 40

<p style="text-align: center;">29</p> <p>1 replacement switch versus an original switch?</p> <p>2 A. Correct.</p> <p>3 Q. Those can be bought -- a replacement switch, if you</p> <p>4 called today to a dealership, you could have one</p> <p>5 here this afternoon, couldn't you?</p> <p>6 A. Correct.</p> <p>7 Q. Okay.</p> <p>8 A. I'm not the switch engineer. Generally that's not</p> <p>9 something I would have done.</p> <p>10 Q. I'm not saying you should do anything, I'm just</p> <p>11 saying that's something you could do. You could</p> <p>12 get a switch today if you wanted to.</p> <p>13 A. I could.</p> <p>14 Q. And you could pull an original switch out of a</p> <p>15 Cobalt pretty easily. I mean, ya'll found a bunch</p> <p>16 of Cobalts in the salvage yard last year, didn't</p> <p>17 you?</p> <p>18 A. We would have to go find one with an original</p> <p>19 switch.</p> <p>20 Q. Sure.</p> <p>21 A. But I would have to go get one.</p> <p>22 Q. But you did that pretty easily back in 2012, you</p> <p>23 went out to the salvage yard and you find five or</p> <p>24 six '05 and '06 Cobalts that had original switches,</p> <p>25 correct?</p>	<p style="text-align: center;">31</p> <p>1 MR. HOLLADAY: I have it, if that's the</p> <p>2 one you're looking for.</p> <p>3 THE WITNESS: No, I'm looking for the</p> <p>4 plot. I'm looking for the plot of the data that I</p> <p>5 made because I plotted all the data. From the 44</p> <p>6 vehicles that we evaluated, you see a slight upward</p> <p>7 trend for '08 and '09, but you did not see what I</p> <p>8 would call radical separation and you do not see</p> <p>9 anything above 20 newton centimeters on those</p> <p>10 vehicles that had substantial time and mileage on</p> <p>11 them.</p> <p>12 MR. COOPER: Do you remember my question?</p> <p>13 THE WITNESS: You're telling me for '08</p> <p>14 and '09, the switch is drastically different. Was</p> <p>15 that --</p> <p>16 MR. HOLLADAY: That was part of his</p> <p>17 question.</p> <p>18 MR. COOPER: That wasn't my question.</p> <p>19 THE WITNESS: Okay. I'm sorry, please --</p> <p>20 can you please repeat?</p> <p>21 Q. (By Mr. Cooper): My question was simply this: Now</p> <p>22 that you will have time after today, wouldn't you</p> <p>23 think it would be prudent to go take a look at the</p> <p>24 '05 and '06 switch and an '08 switch and then a</p> <p>25 replacement switch to see if, in fact, the spring</p>
<p style="text-align: center;">30</p> <p>1 A. Well, we did. I would have had to leave my job,</p> <p>2 try to make arrangements to find a vehicle</p> <p>3 somewhere and find a part. I just did not have the</p> <p>4 time to do that.</p> <p>5 Q. I understand. But you'll have the time in the</p> <p>6 coming weeks as part of this investigation.</p> <p>7 Wouldn't you agree that really the results that</p> <p>8 Mr. Handy presented to you could at least be an</p> <p>9 answer to the question as to why the numbers are so</p> <p>10 low on '05 and '06s and higher on '08s and later</p> <p>11 vehicles, because there was a change in the switch?</p> <p>12 MR. HOLLADAY: Object to the form of the</p> <p>13 question. You can answer the question.</p> <p>14 THE WITNESS: The values are not</p> <p>15 substantially higher on the '08s and '09s. If you</p> <p>16 look at the chart that's earlier in this drawing,</p> <p>17 there's a slight trend upwards, but '08s and '09s</p> <p>18 are not drastically different. The highest was</p> <p>19 only -- we were never higher than 20 newton</p> <p>20 centimeters. We never had one exceed that. I</p> <p>21 guess I'm not sure what page that's on.</p> <p>22 MR. HOLLADAY: It is on MELTON37786.</p> <p>23 THE WITNESS: 377806?</p> <p>24 MR. HOLLADAY: No, 86. I'll show you.</p> <p>25 THE WITNESS: Okay.</p>	<p style="text-align: center;">32</p> <p>1 and cap are substantially different? Wouldn't that</p> <p>2 be prudent for you to do as the investigator on the</p> <p>3 team?</p> <p>4 A. Based on the new understanding, the new finding, I</p> <p>5 would think that would be something that we should</p> <p>6 do is to try to understand it, but I have</p> <p>7 partial -- again, based on my partial understanding</p> <p>8 of the parts that were already replaced on the</p> <p>9 small number of vehicles, I don't see that -- I'm</p> <p>10 not seeing that difference.</p> <p>11 That's the chart. Yeah, this is the chart</p> <p>12 I was looking for.</p> <p>13 MR. KALFUS: Bates number, please?</p> <p>14 THE WITNESS: 378 -- is that a 28?</p> <p>15 So we see '06 and -- well, we're</p> <p>16 concentrating on '05, '06 and '07 Cobalts and G5s</p> <p>17 that we had because we knew the steering columns</p> <p>18 and the switches were common. We looked at all the</p> <p>19 IONs we could possibly see. You can see that for</p> <p>20 '08 and '09, of the vehicles that we had a</p> <p>21 significant population of, there is a slight trend</p> <p>22 upward from '07, but there's definitely not</p> <p>23 separation. They overlap. The ranges overlap.</p> <p>24 MR. COOPER: All right. Let's -- we'll</p> <p>25 keep that aside. We may talk about that in a</p>